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ARIZONA ATTORNEY GENERAL

February 7, 1950

W. B. D. - 2  
Fred J. Fritz, Chairman  
Special Legislative Committee  
on State Operations  
Capitol Building  
Phoenix, Arizona

N/R

Dear Senator Fritz:

We have your letter submitting the following question:

"Will you please advise us as to whether the Special Legislative Committee on State Operations may require the State Department of Public Welfare to furnish the committee with a list of recipients of old age assistance, for use by the committee in determining the amount of appropriations necessary to the end of this fiscal year?"

There are certain limitations on the authority of the State Board of Public Welfare which restrict the disclosure of information concerning recipients of old age assistance. The Federal Social Security Act provides that the state agency shall:

"Provide safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of old-age assistance." Title 42, Sec. 302, USCA.

The Arizona Legislature has recognized the Federal statute by enacting the following:

"The state department shall have the power to make and enforce only such rules and regulations regarding the confidential nature and use of the records as may be required by federal law. The county departments shall make no rules or regulations regarding the confidential nature of the records." Section 70-117 (a) ACA 1939, Supplement.

In substance the above laws prohibit disclosures except for "purposes directly connected with the administration of old-age assistance". The question therefore becomes, is furnishing the Special Legislative Committee a list of the names of the

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Special Legislative Committee

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old age recipients a purpose directly connected with the administration of old age assistance? We believe that it is.

The Federal Social Security Agency requires monthly reports of all payments made to old age recipients and makes detailed audits of the state records at regular intervals to satisfy themselves that their money is being expended for the purpose for which it is provided. It would therefore seem illogical if the state legislature or its Special Legislative Committee could not legally require the same information.

It is therefore our opinion that the Special Legislative Committee may require the State Department of Public Welfare to furnish the Committee with a list of old age recipients for use by the Committee in determining the amount of the appropriation necessary for the Department for the balance of the present fiscal year.

Very truly yours,

FRED O. WILSON  
Attorney General

PERRY M. LING  
Chief Assistant  
Attorney General